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REMARKS

This amendment is responsive to the Office Action mailed October 6, 2004 (hereinafter referred to as "the present Action"). Original claims 1-12 and 18-31 are under examination in the present action. Claims 1-12 and 18-31 stand rejected. In addition, Applicants' claim for priority under 35 U.S.C. §120 is objected to.

In response to the present action, claims 1-12 have been canceled without waiver or prejudice. Claims 18 and 23 have been amended as independent claims reciting all of the limitations of the claim which same were formerly dependent thereon, i.e., claims 2 and 1, respectively,. Although not expressly objected to, claims 19, 25 and 29 have been amended to remove the parentheses around claim limitations. Claims 19, 25, 29 and 31 have been further amended to correct punctuation deficiencies. Claims 19, 22, 25-27, 29 and 30 have been amended to correct the IUPAC names of several of the compounds and/or species listed therein. Claims 23-25 have been amended to correct antecedent inconsistencies.

New claims 32 to 40 have been introduced. Support for the new claims may be found in the specification at pages 1 and 24, i.e., *promoting the release of growth hormone*, page 24, lines 11-13, *promoting the release of insulin*, page 24,

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lines 11-13, *enhancing wound healing*, page 24, lines 16-18, promoting angiogenesis, page 24, lines 16-18, *imaging cells having somatostatin receptors*, page 24, lines 18-25, and *eliciting an antagonist effect from a somatostatin receptor*, page 1, lines 25-27. Applicants submit that new claims 32 to 40 do not introduce new matter.

Applicants reserve the right to file a subsequent application directed to the subject matter canceled from the instant application.

The Examiner objects to the claim for priority under 35 U.S.C. §120 introduced to the instant application by way of preliminary amendment in the Applicants' submission of November 13, 2003. In particular, the Examiner states that the priority claim on file is deficient for not identifying the status of the nonprovisional parent applications mentioned therein. In response, Applicants hereby request entry of a replacement paragraph wherein the status of the two nonprovisional parent applications, i.e., USSN 09/670,249 and USSN 08/855,204, is indicated. Applicants respectfully request the withdrawal of the objection to the priority claim as indicated in the present Action.

Applicants are grateful for the Examiner's consideration of the documents cited in the Information Disclosure Statement submitted November 13, 2003.

1. Claims 1, 2, 8 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,462,926 issued to Coy *et al.* (hereinafter referred to as "Coy *et al.*") Applicants assert that the cancellation of claims 1-17 obviates this rejection and, as such, no comment as to the appropriateness of this rejection is proffered. Applicants respectfully request the reconsideration of the rejection of claims 1, 2, 8 and 12 under 35 U.S.C. §102(b) as anticipated by Coy *et al.* and withdrawal thereof.

2. Claims 1, 2, 8 and 12 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,846,934 issued to Bass *et al.* (hereinafter referred to as "Bass *et al.*") Applicants assert that the cancellation of claims 1-17 obviates this rejection and, as such, no comment as to the appropriateness of this rejection is proffered. Applicants respectfully request the reconsideration of the rejection of claims 1, 2, 8 and 12 under 35 U.S.C. §102(e) as anticipated by Bass *et al.* and withdrawal thereof.

3. Claims 1, 2, 8 and 12 stand rejected under 35 U.S.C. §103(e) as being unpatentable over Coy *et al.* in view of Bass *et al.* Applicants assert that the cancellation of claims 1-17 obviates this rejection and, as such, no comment as to the appropriateness of this rejection is proffered. Applicants respectfully request the reconsideration of the

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rejection of claims 1, 2, 8 and 12 under 35 U.S.C. §103(a) as unpatentable over Coy *et al.* in view of Bass *et al.* and withdrawal thereof.

4. Claims 1-12 and 18-31 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 and 9 of U.S. Patent No. 6,262,229 previously issued to Applicants. With respect to claims 1-12, Applicants contend that the cancellation of said claims obviates this rejection and request the withdrawal thereof. As for claims 18-31, without conceding the accuracy of the Examiner's reasoning for this rejection and in an effort solely to advance this prosecution to grant, Applicants submit herewith a terminal disclaimer in compliance with 37 C.F.R. §1.321(c). Applicants respectfully request the reconsideration and withdrawal of the nonstatutory double patenting rejection of claims 18-31 based on U.S. Patent No. 6,262,229.

5. Claims 1-12 and 18-31 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,703,481 previously issued to Applicants. With respect to claims 1-12, Applicants contend that the cancellation of said claims obviates this rejection and request the withdrawal thereof. As for claims 18-31, without conceding the accuracy of

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the Examiner's reasoning for this rejection and in an effort solely to advance this prosecution to grant, Applicants submit herewith terminal disclaimer in compliance with 37 C.F.R.

§1.321(c). Applicants respectfully request the reconsideration and withdrawal of the nonstatutory double patenting rejection of claims 18-31 based on U.S. Patent No. 6,703,481.

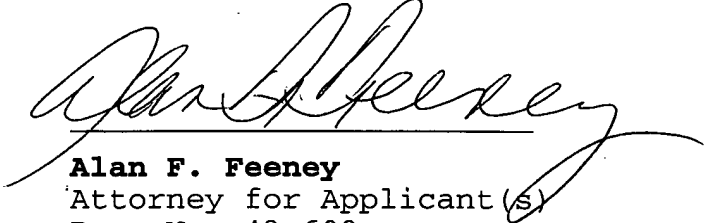
Applicants respectfully submit that the pending claims of the instant application are in a condition for allowance and notification to that effect is respectfully requested. Examiner Delacroix-Muirheid is invited to telephone Applicant(s) undersigned attorney at (508) 478-0144 to facilitate prosecution of this application.

Please apply any charges or credits to Deposit Account No. 50-0590 referencing attorney docket number 041A-B.

Respectfully submitted,

Date: 4/1/2005

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